

Staff Summary Report



Council Meeting Date: 10/02/08

Agenda Item Number: _____

SUBJECT: This is the **introduction** and **first public hearing** to adopt an ordinance abandoning an existing Sewer Line Easement located at 904 E. Secretariat Drive. The second public hearing is scheduled for **October 16, 2008**.

DOCUMENT NAME: 20081002PWCH02 ABANDONMENT (0901)
ORDINANCE NO. 2008.50

SUPPORTING DOCS: Yes

COMMENTS: The City of Tempe desires the abandonment of an existing Sewer Line Easement described as "The East 12 feet of Lot 235, Sandahl Tempe Amended, Book of Maps 226, page 27, MCR". This Sewer Line Easement is no longer in use or needed.

PREPARED BY: Larry Shobe, Engineering Services Administrator (x8417)

REVIEWED BY: Andy Goh, Deputy PW Manager/City Engineer (x8896)

APPROVED BY: Glenn Kephart, Public Works Manager (x8779)

LEGAL REVIEW AS TO FORM: Cynthia McCoy, Assistant City Attorney (x2187)

FISCAL NOTE: N/A

RECOMMENDATION: Adopt Ordinance No. 2008.50 and authorize the Mayor to execute any necessary documents.

ORDINANCE NO. 2008.50

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, ABANDONING A PORTION OF AN EXISTING SEWER LINE EASEMENT AT 904 EAST SECRETARIAT DRIVE, IN THE CITY OF TEMPE, MARICOPA COUNTY, ARIZONA AS DESCRIBED IN THE ATTACHED EXHIBIT.

WHEREAS, it has been determined by the City Council that the Sewer Line Easement, described herein and shown on Exhibit "A", consisting of one (1) page, is no longer required by the City for use as such; and

WHEREAS, it would appear to be in the best interest of the City of Tempe to abandon said easement, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1. That the City of Tempe does hereby abandon, relinquish and vacate the existing underground sewer line easement shown on Exhibit "A" hereto attached.

Section 2. That all rights of the City in the easement abandoned shall vest in the record owner(s) of the adjacent property and shall be subject to the same encumbrances, liens, limitations, restrictions, and estates as exist on the land of which the easement is a part.

Section 3. The Mayor is hereby authorized to execute any documents that may be necessary to implement this Ordinance. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

Ordinance No. 2008.50

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PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA

This _____ day of October, 2008.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

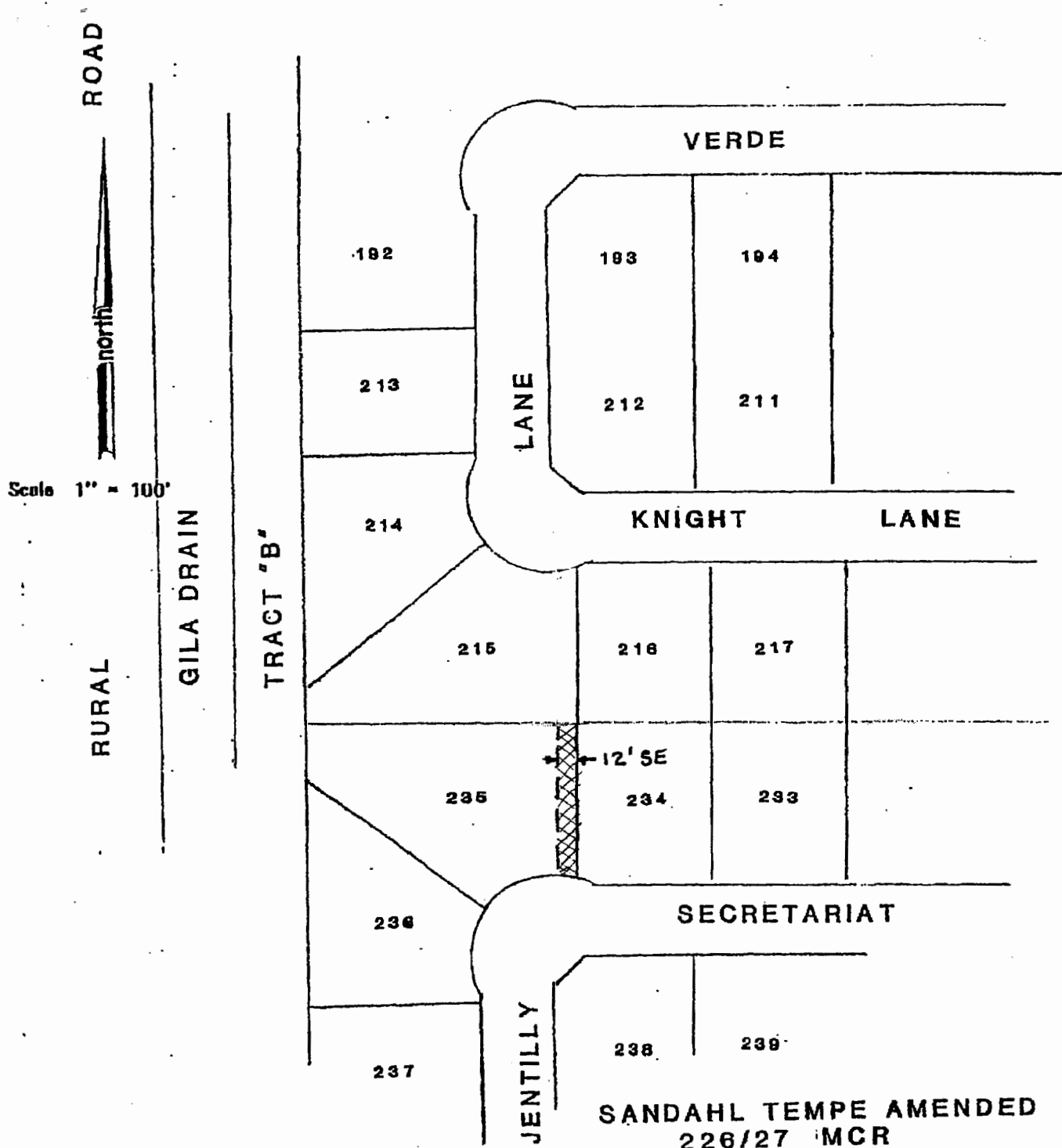


EXHIBIT "A"
 **PROPOSED ABANDONMENT**